



# GENERAL ASSEMBLY

## COMMONWEALTH OF KENTUCKY

### 2006 REGULAR SESSION

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HOUSE BILL NO. 256

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TUESDAY, FEBRUARY 21, 2006

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The following bill was reported to the Senate from the House and ordered to be printed.

RECEIVED AND FILED  
DATE March 24, 2006  
9:16am  
\_\_\_\_\_  
TREY GRAYSON  
SECRETARY OF STATE  
COMMONWEALTH OF KENTUCKY  
BY R. Adler

AN ACT relating to termination of employment.

***Be it enacted by the General Assembly of the Commonwealth of Kentucky:***

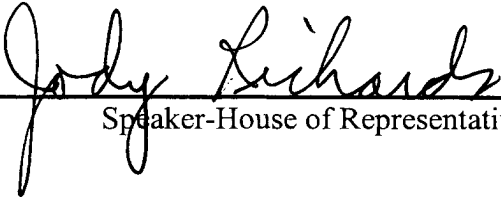
1       Section 1. KRS 337.100 is amended to read as follows:

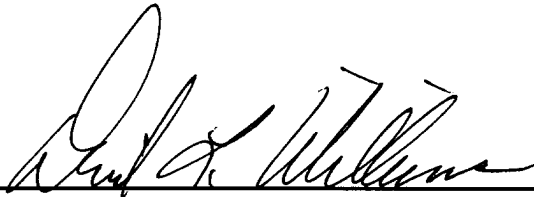
- 2       (1) No employer shall terminate an employee who is a volunteer firefighter, rescue  
3       squad member, emergency medical technician, peace officer, or a member of an  
4       emergency management agency because that employee, when acting as a volunteer  
5       firefighter, rescue squad member, emergency medical technician, peace officer, or a  
6       member of an emergency management agency, is absent or late to the employee's  
7       employment in order to respond to an emergency prior to the time the employee is  
8       to report to his or her place of employment.
- 9       (2) An employer may charge any time that an employee who is a volunteer firefighter,  
10      rescue squad member, emergency medical technician, peace officer, or a member of  
11      an emergency management agency loses from employment because of the  
12      employee's response to an emergency against the employee's regular pay.
- 13      (3) An employer may request an employee who loses time from the employee's  
14      employment to respond to an emergency to provide the employer with a written  
15      statement from the supervisor or acting supervisor of the volunteer fire department,  
16      rescue squad, emergency medical services agency, law enforcement agency, or the  
17      director of the emergency management agency stating that the employee responded  
18      to an emergency and listing the time and date of the emergency.
- 19      (4) No employer shall terminate an employee who is a volunteer firefighter, rescue  
20      squad member, emergency medical technician, peace officer, or member of an  
21      emergency management agency who is absent for a period of no more than  
22      twelve (12) months from the employee's employment because of injuries incurred  
23      in the line of duty. The volunteer firefighter, rescue squad member, emergency  
24      medical technician, peace officer, or member of an emergency management  
25      agency shall provide, at the request of his or her employer:

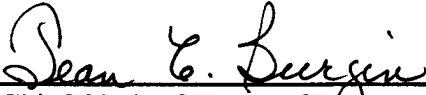
1       (a) A written statement from the supervisor, acting supervisor, or director of the  
2       volunteer fire department, rescue squad, emergency medical services  
3       agency, law enforcement agency, or emergency management agency under  
4       whose command the employee was on active duty and on assignment with  
5       that fire department, rescue squad, emergency medical services agency, law  
6       enforcement agency, or emergency management agency when the injury  
7       occurred; and

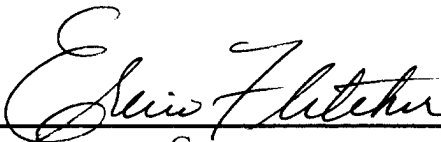
8       (b) A written statement from at least one (1) licensed and practicing physician  
9       stating that the volunteer firefighter, rescue squad member, emergency  
10      medical technician, peace officer, or member of an emergency management  
11      agency is injured and a date for the employee's return to work.

12      (5) Any employee that is terminated in violation of the provisions of this section may  
13      bring a civil action against his or her employer. The employee may seek  
14      reinstatement to the employee's former position, payment of back wages,  
15      reinstatement of fringe benefits, and where seniority rights are granted, the  
16      reinstatement of seniority rights. In order to recover, the employee shall file this  
17      action within one (1) year of the date of the violation of this section.

  
Speaker-House of Representatives

  
President of the Senate

Attest:   
Chief Clerk of House of Representatives

Approved   
Governor

Date 